

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 365

Short Title: Towing MVs With Handicapped Placard/Plate. (Public)

Sponsors: Representative Insko.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Regulatory Reform, if favorable, Transportation, if favorable, Judiciary III

March 16, 2017

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT TOWING FROM A SHOPPING CENTER OR MALL PARKING LOT OF ILLEGALLY PARKED MOTOR VEHICLES DISPLAYING A HANDICAPPED PLACARD OR PLATE UNTIL CERTAIN CONDITIONS HAVE BEEN MET.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-219.2 reads as rewritten:

"§ 20-219.2. Removal of unauthorized vehicles from private lots.

(a) It shall be unlawful for any person other than the owner or lessee of a privately owned or leased parking space to park a motor or other vehicle in ~~such the~~ private parking space without the express permission of the owner or lessee of ~~such the~~ space if the private parking lot is clearly designated as ~~such private~~ by legible signs no smaller than 24 inches by 24 inches prominently displayed at all entrances thereto, displaying the current name and current phone number of the towing and storage company, and, if individually owned or leased, the parking lot or spaces within the lot are clearly marked by signs setting forth the name of each individual lessee or owner. ~~A-Except as otherwise provided in subsection (a4) of this section, a vehicle~~ parked in a privately owned parking space in violation of this section may be removed from ~~such the~~ space upon the written request of the parking space owner or lessee to a place of storage and the registered owner of ~~such the~~ motor vehicle shall become liable for removal and storage charges. Any person who removes a vehicle pursuant to this section shall not be held liable for damages for the removal of the vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally or negligently damages a vehicle in the removal of ~~such the~~ vehicle, or intentionally or negligently inflicts injury upon any person in the removal of ~~such the~~ vehicle, may be held liable for damages. The provisions of this section shall not apply until 72 hours after the required signs are posted.

...

(a4) A vehicle displaying a handicapped plate or placard in accordance with G.S. 20-37.6 or G.S. 20-37.6A and parked in a shopping center or mall parking space in violation of subsection (a) of this section shall not be removed from the space unless either of the following applies:

(1) At least three hours have passed from the time the vehicle is discovered by the owner or lessee of the parking spot, or the owner's employee or authorized agent, to be parked in violation of subsection (a) of this section.



1 (2) The vehicle is impeding the flow of traffic or otherwise jeopardizing the
2 public welfare so that immediate towing is necessary.
3 "
4 **SECTION 2.** This act becomes effective October 1, 2017, and applies to vehicles
5 subject to towing on or after that date.